

REMARKS

Claims 1-7 are pending. Claims 1, 2, 5, and 6 have been amended.

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,873,755 to Johnston. Claims 2-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston in view of admitted prior art. Claims 5-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston and admitted prior, and further in view of U.S. Patent No. 5,440,971 to Yuda.

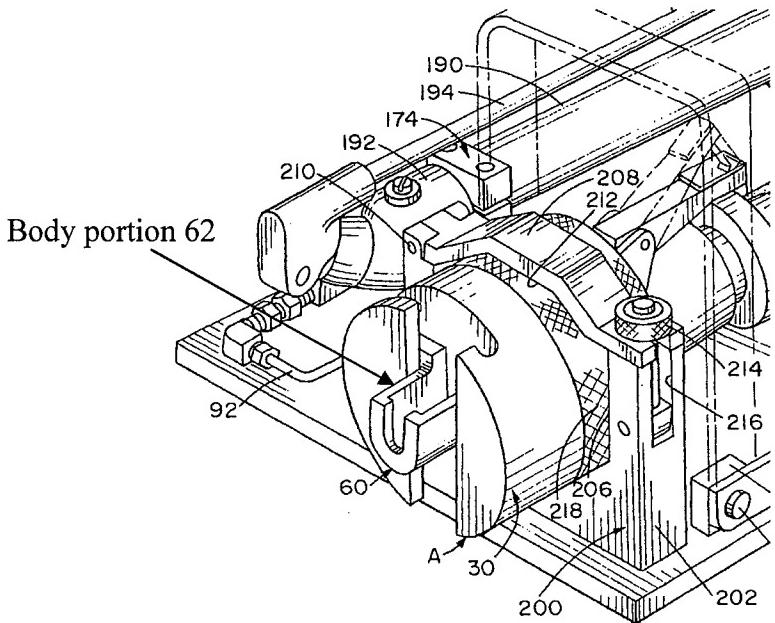
Summary of Claim Amendments

Independent Claims 1 and 2 have been amended to clarify the structure of the housing of the claimed head assembly for a swage press. In particular, Claims 1 and 2 now recite that the housing has a peripheral side wall that extends continuously and completely about a circumference of the housing. Claim 2 has been further amended to recite that the shoe elements are arranged circumferentially about the press zone, and that the operating piston cooperates simultaneously with the shoe elements to move the shoe elements in the radial direction inwardly toward the press zone. Support for these amendments is provided in the specification, for example at page 4, lines 25-28, page 5, lines 21-22, and Figures 5 and 6.

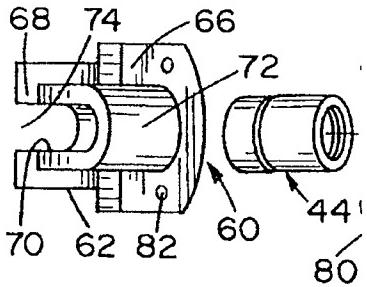
Response to Rejections

In rejecting Claim 1 as anticipated by Johnston, the Office Action asserted that the retaining cap 60 meets the structure of the housing as claimed in Applicant's claims. In particular, the Office Action stated that the body portion 62 of the cap corresponds to the peripheral side wall of the claimed housing. This is incorrect in view of the claim amendments noted above.

The claims recite that the peripheral side wall of the housing extends continuously and completely about a circumference of the housing. In contrast, Johnston's cap 60 has a body portion 62 that has a U-shaped cross-section, as best seen in Figure 6:



This U-shaped cross-section defines a U-shaped aperture 70 that allows the tube 14 to extend therethrough. The cap has a closed bottom section 72 and an open top section 74. Thus, the body portion 62 of the cap does not extend continuously and completely about a circumference of the cap 60—see the portion of Figure 1 reproduced below:



Johnston ascribes particular importance to the open-top configuration of the cap, noting that its purpose is to allow the cap to slide in one direction in relation to the tube (col. 5, lines 47-51). More particularly, the cap 60 is slidable within a T-shaped slot 80 of the cylinder housing 30, from a lowered storage position to a raised active position. Johnston explains the operation of the device at col. 8, lines 15-28 and 45-50 (emphasis added):

"In operation, the nut 16 is mounted on the tube followed by the ferrules 12, 10. The tube end is then inserted into the cavity 48 of the anvil-like member 44. Thereafter, **the retaining cap 60 is slid upwardly from its storage position to its active position** so that it surrounds the tube and the nut 16. At this time, fluid can be applied to the front side of the piston 36.

"The measured swaging operation can thereafter begin by supplying additional hydraulic fluid to drive the piston 36 and the anvil member 44 toward the ferrules 10, 12 to cause the camming mouth or camming surface 54 of the anvil 44 to engage the nose portion 56 of the front ferrule 10 and swage it radially inward against the tube 14.

...

"Thereafter, the operator can release the pressure in the cylinder such as by releasing the appropriate valving on the pump 90. Then **the retaining cap 60 can be slid downwardly away from the tube 14 in order to allow the tube as well as the nut and the now swaged ferrules to be removed from the swaging tool A.**"

Without the U-shaped configuration of the cap 60, it would not be possible to slide the cap upwardly to engage the tube 14 and nut 16 within the inner space of the cap. Johnston's device would not work as intended if the peripheral side wall of the cap extended continuously and completely about a circumference of the cap.

For at least this reason, Johnston fails to anticipate Claim 1 or suggest the invention claimed in Claim 2.

As for Yuda, it does not even relate to a swage press. Nothing in Yuda would have suggested modifying Johnston's device to have the configuration claimed in Claims 1 and 2. It would not have been obvious to modify Johnston's cap 60 to have a peripheral side wall as claimed, because then the device would not work as intended, as noted above.

Therefore, independent Claims 1 and 2 are patentable over the cited references. The dependent claims are likewise patentable since they include all the same limitations as the independent claims.

In re: Applicant(s): Van Essen

Appl. No.: 10/597,995

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Conclusion

Based on the above amendments and remarks, it is submitted that the application is in condition for allowance.

Respectfully submitted,

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